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*Botts, John v. Minor, 1802 -*  
**SPEECH** *1869.*

OF THE

**HON. JOHN MINOR BOTTS,**

DELIVERED ON THE OCCASION OF A

**Complimentary Dinner,**

AT NEWARK, N. J.,

ON THE 19th OF SEPTEMBER, 1853.

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NEWARK, N. J.

PRINTED ON THE STEAM PRESS OF THE DAILY MERCURY.

1853.

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SPEECH

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Calif. constitution  
convention*

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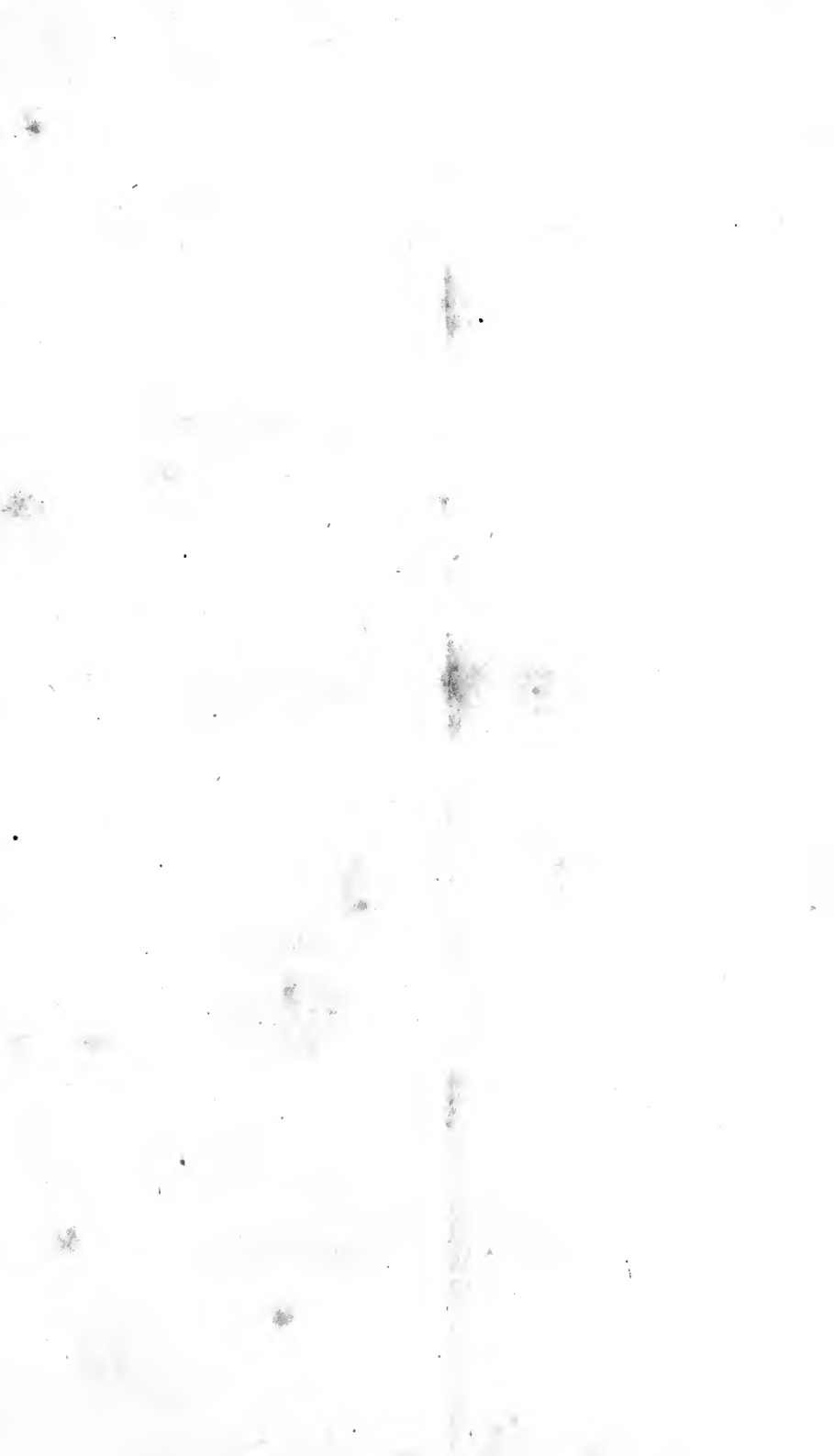
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## CORRESPONDENCE.

NEWARK, N. J., SEPTEMBER 9, 1853.

HON. JOHN M. BOTTS,

DEAR SIR:—Having learned that you propose to spend a few days in the city of New York, we venture to hope that you will embrace this opportunity to visit our city and exchange friendly salutations with your many warm to and grateful admirers here.

As Jerseymen and Whigs, we cherish a lively recollection of the valuable services you have rendered, both in and out of Congress, and it would be exceedingly gratifying to us to extend to you the hospitality of a public dinner.

Be kind enough to inform us when you can make it convenient to meet your friends here.

Yours, very truly,

A. C. M. PENNINGTON,  
WM. E. ROBINSON,  
DAVID A. HAYES,  
DAVID C. DODD,  
THEO. P. HOWELL,  
DANIEL T. CLARK,

JAMES M. QUINBY,  
JOS. C. HORNBLLOWER,  
SILAS MERCHANT,  
H. N. CONGAR,  
STEPHEN CONGAR,  
W. E. LAYTON.

ASTOR HOUSE, SEPTEMBER 12, 1853.

GENTLEMEN,

I have the honor to acknowledge your very kind invitation to accept a public dinner from my friends at Newark, for what you are pleased to term the valuable services I have rendered you as Jerseymen and Whigs both in and out of Congress.

Whatever I may have done, gentlemen, in either position, to entitle me to the good opinion and good will of the people of New Jersey, was prompted by a sense of obligations that as a public man I owed to you, to the country, and to myself; and whilst I disclaim all pretensions to your gratitude for the discharge of a simple duty that my nature could not have resisted, I nevertheless feel proud that my humble efforts in behalf of the broad seal of New

Jersey as a memorable period of her history, or in behalf of the great Whig party of the country at a latter day, should have secured your approbation and esteem.

This is not the first time that the citizens of New Jersey have manifested their kindness towards me, and, having now no good excuse to offer, I do not feel at liberty again to decline the hospitality that has been so generously extended, and, therefore, with great gratification I accept your invitation, and would indicate Monday, the 19th inst., as the earliest day that it would suit my convenience to attend.

I am, gentlemen, with great sincerity, your obliged fellow citizen.

JOHN M. BOTTS.

MESSRS. PENNINGTON, and others.

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The above correspondence will be read with gratification by the host of gallant and true-hearted Whigs in this city, who will recognize in the Hon. JOHN MINOR BOTTS, one of the best and worthiest Whigs of the Union. As a genuine representative of the National Whigs, it is pleasure to do him honor, for we know that to him the South is nothing more than the North and the whole a glorious country, to be divided by no Mason and Dixon's line. Few of our public men are so thoroughly national in all their feelings, as Mr. Botts, and this may be somewhat attributed to the Clay school in which he was educated. His speeches are full of power and afford food for reflection, and he never alters the style of them to suit the different latitudes of New Jersey and Virginia. Bold and forcible in his enunciation of important principles, he does not stop to enquire whether a measure is *popular*, but whether it is *right*. Such a man is honorable, of course, in his conduct and instincts. He is not the tool of time servers, but as a true and glorious statesman, takes his place among the great men of the nation.—*Newark Mercury*, Sept. 14.

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NEWARK, N. J., SEPTEMBER, 24, 1853

HON. JOHN M. BOTTS,

DEAR SIR:—Having listened with much satisfaction to the very able address delivered by you at the public dinner, given by your Whig friends and admirers in this city on the 19th inst., and believing that its general circulation at this time, would be productive of good in setting forth clearly and favorably,

the position and the duty of the Whig party, we feel constrained to ask you to write out your remarks on that occasion for publication.

Be pleased to give us a favorable response to this request, and you will greatly oblige,

Your friends and fellow Whigs,

A. C. M. PENNINGTON,  
SILAS MERCHANT,  
JOS. C. HORNBLOWER,  
H. N. CONGAR,  
WM. E. ROBINSON,  
DAVID A. HAYES,

JAMES M. QUINBY,  
DAVID C. DODD,  
STEPHEN CONGAR,  
WM. E. LAYTON,  
D. T. CLARK,  
THEO. P. HOWELL.

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ASTOR HOUSE, OCTOBER 3, 1853.

GENTLEMEN,

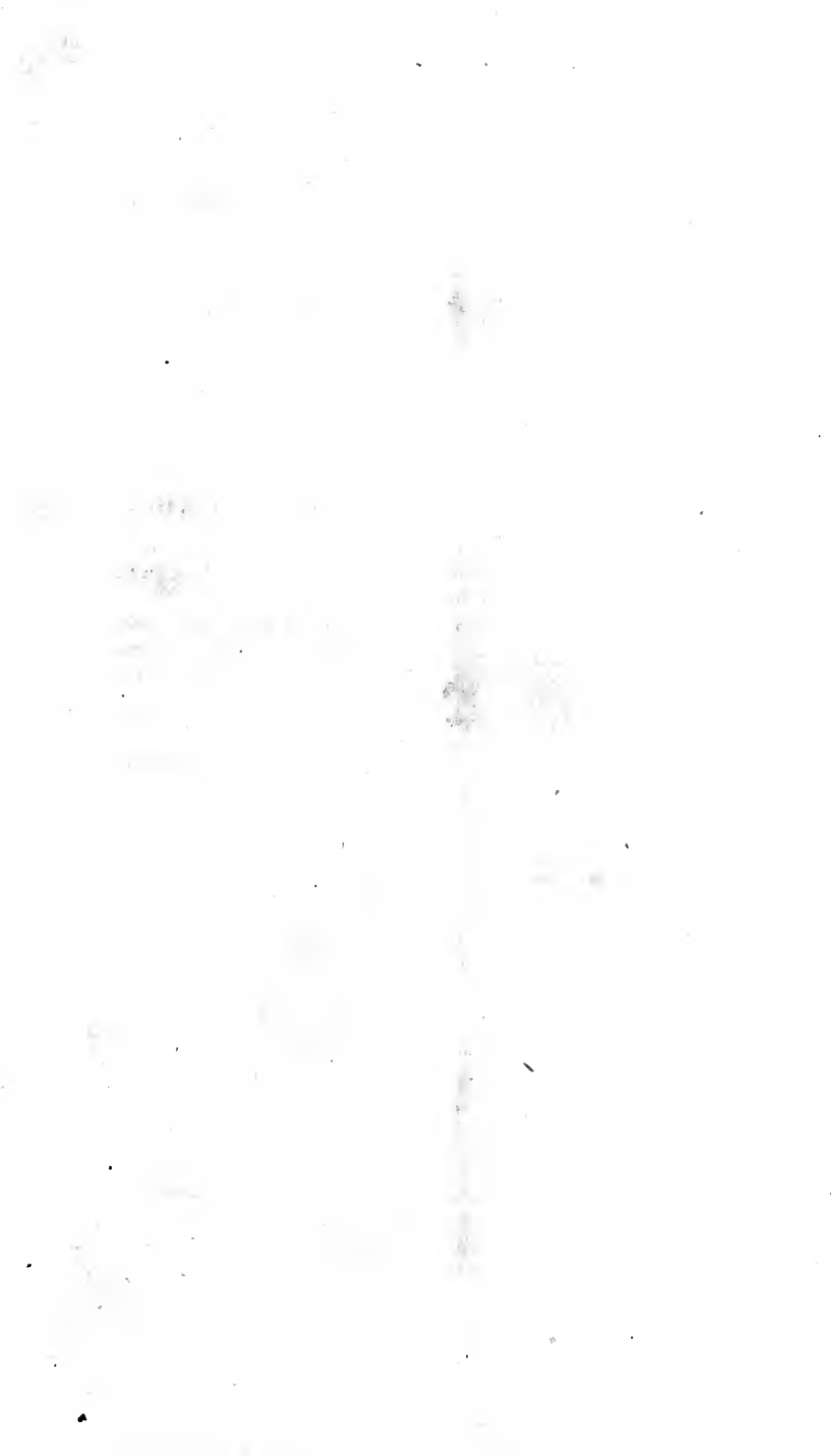
Just as I was leaving here last week, I received your letter asking me to write out, for publication, the speech delivered on the occasion of the dinner lately given me by my friends in Newark.

Anxious to comply with any request that *such friends* could make, I have stolen the time from other and pressing occupations since I have been here, to commit to paper the views and opinions I then expressed, which you will receive herewith.

I am, gentlemen, with the highest esteem and regard, your fellow citizen and obedient servant,

JOHN M. BOTTS.

To the Committee.



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## Dinner to Hon. John M. Botts.

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The dinner tendered to the Hon. J. M. Botts, of Virginia, came off last evening at the City Hotel, and was the occasion of a most genial gathering of the Whigs of our city. On every side were to be seen, those who have battled through good and evil report, in storm and sunshine, for the success of the Whig cause. The working Whigs of the city were on hand exhibiting that old spirit which is ever the forerunner of a triumph. Steadily and truly they have labored in the ranks regardless, alike of defeat or treachery, waiting for the victory certain to result from their continued conflict.

The company, consisting of some seventy-five individuals, sat down to a most sumptuous entertainment about nine o'clock. The Hon. A. C. M. PENNINGTON, occupied the head of the table, with the Hon. J. M. BOTTS, Dr. LEVIN JONES, of Texas, and Mayor QUINBY, on the right, and the venerable Ex-Chief Justice HORN-BLOWER, and RICHARD FOX, Esq., of Richmond, Virginia, on the left. After the full discussion of the excellent entertainment, the President announced the first regular toast :

1. Our Country—The North, the South, the East and the West—as Whigs and Jersey men we know and love them all.

Hon. A. C. M. Pennington, the President, rose and said :

I rise to propose the health of a Whig who has been ever faithful and ever true—a man who, whether in success or defeat, in storm or sunshine, in glory or in gloom, has ever stood by the Whig party—a man, I may add, who is a Whig because he loves the Whig party, and not because he wishes to profit by it. [Cheers.] He comes from the good old State of Virginia—a State said to be the mother of Presidents. She certainly has been the mother of statesmen, and not the least of them, of him in whose honor I rose to propose this sentiment. [Great cheering.]

2. Our Guest, the Hon. John M. Botts, of Virginia—Independent in his opinions, and fearless in advocating them, the Whig party are proud of him as a champion of the good old Whig cause.

Mr. Botts arose and responded as follows :

MR. PRESIDENT AND GENTLEMEN.—I should be but treading in an old and beaten path if I were to engage in a labored effort to express what I sincerely feel on this, *to me*, interesting and gratifying occasion. I must leave much of what I would say, to the imagination of those who have done me the distinguished honor, to extend to me this evidence of their kind regard. Let it suffice, when I assure you, that I am profoundly grateful, not for this manifestation only, but for other, and repeated occasions on which I have received assurances of the respect and esteem of the people of New Jersey. Sir, I shall never cease to feel that you have over estimated the small service, that some twelve years since, it was my humble part to render in the councils of the nation, in defence of the broad seal of New Jersey.

It was not for *you* Mr. Chairman, it was not for *you* gentlemen, who occupy seats at this festive board, that I took a part in that remarkable and never-to-be-forgotten struggle, in which the laws, and sovereign rights of a State, were shamefully trodden down, by those who are loudest in their professions of devotion to the rights of the States, for you were then strangers to me ; what I did, was done in defence of a great principle, which my duty and inclination would alike have urged me, to render as promptly to any other people or State, as to the people and State of which you form a part.

In offering the sentiment, Mr. Chairman, which you have just announced, you did me the honor to make reference to my unwavering devotion, whether in sunshine or in gloom, whether in triumph or defeat, to the Whig party and its principles ; and from the enthusiastic response with which those remarks were received, I cannot but flatter myself, that I stand, in the presence of those, who still believe in the existence of a Whig party.

Since I have been in New York (the great political, as well as the great commercial emporium of the nation), I have scarcely taken up a paper that did not speak of that great party, as dead, and its principles as obsolete ; I knew that from the day on which our last great national struggle for ascendancy resulted so disastrously for our cause, and the welfare of our country, that there had been an unceasing effort on the part of the Democratic press to frighten the timid, to bewilder the weak, to betray the ignorant, into conviction

and confession, that the Whig party was a thing to be heard of hereafter—" *never no more forever* ;" but it was not until my present visit to the North, that I was prepared to believe it possible, that any part of the *Whig* press would also unite in such an effort to destroy our organization ; and, Mr. President, it suggests itself to me as being not entirely unsuitable or inappropriate to the present occasion, to examine the question of the existence, or non-existence of this, the only sound and conservative party in the country ; what is the position it at present occupies, what are its claims upon the confidence and support of the country, as contrasted with what is called " Democracy," and what is likely to be its ultimate destiny ; and whatever I may say here to-night, Mr. Chairman, I beg to be understood as said by an humble private in the ranks, who has no political aspirations to gratify, and no personal ends to accomplish. I have found public life not only a laborious and unprofitable, but most thankless occupation. I have found many of those for whose interests and welfare I have devoted the energies of both mind and body for twenty years or more, prompt to surrender their own great inestimable natural rights, for which I had struggled, to the dictation of party, and to the vulgar prejudice of hollow, deceptive, unmeaning party names ; under the flimsy disguise of a spurious Democracy, every wrong has been perpetrated, and every perpetration has been sustained by those upon whom those wrongs most severely operated. No, Sir ; I am sick of political life, and shall never *seek* to fill another public station ; if any services shall be demanded of me at any time hereafter, in a position where I can promote the interests of the masses, where I can sustain and uphold the power of the people, against the power of the politicians, and selfish office seekers of the land, I shall be ready to obey the call ; but when it does come, it must come (in the language of some Kentuckian I believe,) " by spontaneous combustion ;" if any political mantle should light on my shoulders, I would endeavor to wear it gracefully and becomingly, *but I shall not seek it.*

Understanding as I trust you do then, that it is only in the character of an unaspiring citizen that I speak, I will proceed with the several topics that I have suggested.

The first enquiry is, When did the Whig party die ? If dead, it died on the third day of November, 1852, and on that day it recorded one million three hundred and eighty-five thousand, true, genuine, undismayed Whig votes ; *such a vote as was never given*

before, for that, or any other party since the foundation of the government; and it only required about thirty-five thousand votes, properly distributed, to have secured success to its candidate. Never was a party surrounded by so many adverse circumstances as was ours on that day: with a patched up peace and harmony, between all the "*isms* and *schisms*," and factions of the country, in support of a gentleman that nobody knew, and that it seems now but one of the factions (the Free-Soilers) understood; and with a prejudice deep rooted and immovable, in our own ranks, that lost us thousands, and tens of thousands for the candidate whom the Whig party had selected; with the influence of many of the most prominent men of our party, *in* position and *out* of position, actively or secretly exerted against us; still we cast that vote of one million three hundred and eighty-five thousand for General Winfield Scott, and wanted but the thirty-five thousand, as I have said, properly distributed, to have secured a triumphant victory, which it was in the power of a *few*, occupying prominent positions in the government, to have given us, at such points as they were most needed, but which they did not think proper to do, but in point of fact, by their influence withheld from us. And yet we are told, that this extraordinary strength, thus exhibited, furnished the indication of our weakness, and the necessity for our dissolution; yet, these were the circumstances under which we went into that struggle, and this was our condition when we came out of it; and now, when we see the evidence of decay in the ranks of those by whom we were defeated, when we see every where around us, old hostilities and dissensions breaking out afresh and with increased rancor, in the Democratic ranks, in a general scramble for the spoils, we are gravely told that the Whig party is 'no more, and we are advised to set to work to get up a new organization; for one, I say I am satisfied to stay where I am, adhering with true and strict fidelity to my principles, my country, and my party under its present organization.

It has been told of one of the Kings of France, that on a certain occasion he visited one of the smaller cities of his dominions, when the Mayor of the place commenced an apology for not offering him a salute on his arrival, saying "Sire, there are a *thousand* reasons why it was not done; in the first place we had no powder." "Stop," said the King, "that *one* is sufficient; you can reserve the other nine hundred and ninety-nine for another occasion." So it is here Mr. Chairman, there are a *thousand* reasons why we should not disband; but



*one* is insurmountable and unsuperable with me ; it is, that if we give up this our present *national* organization, it will degenerate into contemptible *sectional* factions all over the country ; the other nine hundred and ninety-nine I shall also reserve for another occasion.

I incline to think that we should derive some advantage by assuming our old and true name, of "National Republicans;" for whilst there is no particular meaning attached to the word "Whig," and the masses do not know what it imports, "Nationality" and "Republicanism" have each a clear and distinct definition, that every body understand, and that no sound man can object to ; but a change to an old name does not involve re-organization, and therefore I am for adhering to the organization as it is.

Mr. Chairman, I have been a member of the Whig party from the day it was first organized. I may claim to be one of the fathers of the party. I was one of that old National Republican party which constituted the nucleus upon which the present Whig party was formed, and which was first christened the "Whig party" by John C. Calhoun, who then belonged to it, because it had for its basis, opposition to executive power, which came in conflict with the power of the people as expressed through their representatives in Congress ; this was the origin of the party ; these were the circumstances under which it was unfortunately changed in name from that of "National Republican" to "Whig," at the time of the bank veto, removal of the deposits, the celebrated protest of General Jackson, expunging resolutions, &c., &c. It had "nationality" and popular rights then as its basis and foundation ; it has maintained both in its superstructure to this day, and the day that it drops its nationality or ceases to vindicate the rights and the power of the people, that day I drop it and abandon it forever ; until then, through good and evil report, in adversity and success, I shall always be found in my place ; and in the meantime nothing could be more ridiculous than the attempt now made to identify the great national Whig party with the local politics of New York.

Yes, sir ; I helped to rock the baby in its infancy, and to nurse it into manhood. I have seen it grow up and assume a colossal statue, and while I have rejoiced in its triumphs, I have never been disheartened nor discouraged by its defeat, nor by a succession of defeats.

The great *curse* of the Whig party has been its timidity ; its willingness to lay down its arms and surrender at discretion upon every

reverse of fortune ; there are too many of our leading men who cannot live in a minority, who cannot breathe easily unless they are sustained by power ; and upon each successive defeat, we are admonished by them, of the necessity of abandoning this measure and that, because (they say) we can never get into power until we do. Sir, with me it is not a question of power ; it is a question of right and of propriety. I ask myself the question, is this a proper measure for the government to adopt ? Will it advance the general prosperity ? Will it benefit the people ? Will it promote the arts of peace ? Will the great agricultural, commercial, manufacturing, and laboring interests of the country be advanced by its adoption ? and if these questions are answered in the affirmative, why should I, or you, or any of us surrender them, because we happen to be beaten in a political contest involving a thousand other minor issues as well as these ?

While we owe our defeats in a great measure to this practised timidity, our opponents are largely indebted for their occasional success, to a different system of tactics. I have always admired them for their boldness and courage, if for nothing else ; the more you whip them to-day the readier they are for the fight to-morrow ; and that is just what I want to see the Whig party do ; how else did they succeed in fastening that contemptible humbug, the Sub-Treasury, (which never has, and never can be practically executed without immense loss to the government and injury to the people,) upon the country ? When they were so badly beaten upon that issue in 1840, did they abandon it ? Did they give it up ? And if by their perseverance they could thus succeed in establishing a *bad* measure, why could not we by a similar perseverance, succeed in establishing a *good* one ? And at this moment when we know that there is not one sensible and well informed man in the country, whether Whig or Democrat, who believes in the wisdom or practicability of the law, as it now stands, we see *all* submitting to it, and the Whig party seem afraid to throttle the monster, and to crush its enormities ; but something more of this Sub-Treasury hereafter.

Let us take up these measures for which we have contended for twenty years, one by one, and see if any good reason exists for abandoning them ; if upon fair trial they shall have proved to be injurious to the public good, let them go ; but surely, no sane man can be convinced of their injurious tendency, because we cannot always retain the power of the government in our own hands ; and I might

here remark, that if the people are supposed to have decided against them in '44 and '52, they as surely decided in their favor in '40 and '48, and are most likely to do so again in '56.

How is it with the question of protection to home labor? Has that great principle become obsolete? Are we ready to give it up? Is *free trade* indeed in the ascendancy? The tariff of '46 I grant you has taken the place of the tariff of '42, but then is the tariff of '46 a free trade tariff? Does not everybody of good sense know, that any tariff that ranges in its duties from ten and fifteen, to forty and fifty per cent., and upwards, is a discriminating tariff? and don't every body know that discrimination is a recognition of the principle of protection? The question is, is it a judicious discrimination, and does it protect where protection is most needed? But discrimination in itself recognizes the principle, and in any alteration that may be made of the present tariff, the party in power will not fail to adopt that principle. You may call things by what names you choose, but the tariff of '46, Mr. Chairman, is no more a free trade tariff than my State is a free State; but at the same time, I do not agree that it judiciously discriminates, or affords proper protection to such articles as most need it. I mean such articles as we can supply at home, and must consume.

It *may* become, perhaps it *has* become necessary, that the tariff should be revised and modified, if only to diminish the superabundant revenue that is accumulating in the public treasury, and it may be found indispensable to diminish the duties on some articles, and equally indispensable to increase them on others, but you will find that under no circumstances, will any party in this country, venture upon an equal rate of duties on all articles that we import. They must and will discriminate, and so discriminate, as to give protection to certain interests; and if I am right in this, let us, instead of surrendering the principle, maintain that we have established the wisdom of the system, and claim the credit for our party, that its sagacity and wisdom has entitled it to receive at the hands of our opponents.

But let us see how their tariff of '46 has operated, practically; that it has furnished a sufficient amount of revenue cannot be questioned; but at what cost it has done so, remains to be seen. We all know how common it is for the public men of the Democratic party, (they have usurped that name, and in it, consists their only strength,) to claim infinite credit for the acquisition of California, which with its untold millions of gold, they say has staved off such a commer-

cial crisis, as has been heretofore unknown to our people ; well admit that to be so ; what I desire they should next tell us, is, what would have produced this crisis ; and then what resort would have been necessary had not the golden sands of California so opportunely come, to avert the calamity and distress which would have befallen us. 'I will tell you. First, it was the vicious (or perhaps it would be more appropriate to say unsound) system of legislation, by which our people were induced to encourage European workshops and European labor to the exclusion of American workshops, and American labor, that would have brought on the crisis — precisely the same causes that produced the revulsion of 1837 ; and in the next place to have remedied the evil, it would have been necessary to resort to a different system, by which we should have afforded encouragement and protection to the labor of our own people in preference to the labor of any other people on the earth ; as it is, that mighty influx of gold that should have been spent among our own people at home, has followed on in the regular channels of trade, and is now to be found in the workshops of Europe. Now, in my judgment, *he* is the wisest man, and the most reliable statesman, who recommends such a system of legislation as would enable the industry of the country to protect itself, at all times and under all circumstances, and that would render the country absolutely independent in every sense of the word. Suppose a general war should break out in Europe, in which the four chief powers should be engaged, which I have not only looked upon for some months as extremely probable, but as almost certain, notwithstanding the opposite views that have prevailed in this country as well as in France and England, for I have not been able to see why the Emperor Nicholas should relinquish the advantages he has already obtained, (by the temporizing course of France and England, each of whom have frittered away their time in idle negotiations, while he has been preparing for war,) towards the accomplishment of an object that has constituted the chief anxiety of Russia from the days of Peter the Great, down to the present time, to wit : the possession of Constantinople. I say, suppose such a war should come, what would be the consequence to us ? The low rate of duties, as I have said, has induced our countrymen to go abroad to purchase many, very many articles which we were able to furnish and should have manufactured at home, and by that process we have become largely indebted to Great Britain.

The British government is sustained by its monied aristocracy ; they must have money to carry on the war ; the Barings and the Rothchilds will have the control of the entire debt, in all, amounting to some four or five hundred millions, and will call it in as fast as it becomes due ; and then is the time that the shoe will begin to pinch ; then will be the time that we shall discover the beauties and advantages of excessive importations superinduced by low duties ; and with or without war, pay-day must, and will come, sooner or later ; and when it does arrive, then we shall see the workings of what many are now pleased to call the free trade system.

Even now in the absence of a war in Europe, suppose my friend from Texas [Dr. Jones, who sat near by] were here to borrow, on the best possible security, for himself, or his State, a sum of money necessary to carry on some important work of internal improvement, and he were to go upon Wall street to obtain it, would he not be told to go to England and he would be supplied ? Now why should this be ? Why simply because our money has all gone there to be expended in foreign labor, when it should have been expended upon domestic industry. Had *our* policy been pursued, we should have been able to withstand the convulsions and upheavings of Europe ; for then we should not only have been entirely out of debt, but should have retained the California gold among ourselves. Dead as the Whig party is said to be, obsolete as are its principles, I am as resolute as ever in favor of the policy of protection to American labor and American enterprise, against the labor and enterprise of all the world.

Mr. President and gentlemen, I have seen no cause to change my opinions on that subject ; but on the contrary, I see every reason why we should hold on to it, and why the other party should adopt it as a part of their policy ; and the time will come, indeed it is not far distant, when all will be compelled to acknowledge that it is the true system for our government to adopt. Nay, the policy of President Pierce (as it has been foreshadowed by some apparently confidential friend) will be to protect all those interests connected with the national defences. Here, then, is a virtual recognition of the principle of protection ; and what a margin does it leave ? What is necessary for the national defences ? Iron and lead certainly are ; but will it not also embrace woollens, cloths, blanket making, leather, shoes, and cotton ? because it is obviously quite as necessary that our soldiers (to enable them to resist the elements)

should have clothing, blankets, shoes, and shirts, as powder, guns, and balls, to resist the enemy. \* \* \* Let us then hold on to our cherished principle of protection. Don't let us throw it aside as a cast-off garment, to be taken up by the first who passes on the great highway, for then our opponents will be entitled to take it, and use it to our disadvantage; let us rather force them to borrow, or to beg it, and give us the credit for it.

Then what about that other great question of internal improvements, which has heretofore been a bone of contention? Is that obsolete too? Why what have we lately witnessed? We have seen the Democratic party meeting in convention at Baltimore, looking only to political results, patching up a platform in which they utterly repudiate every principle of the Whig party, as destructive and ruinous to the best interests of the nation, and going before the country with a candidate pledged to free trade, anti-internal improvements, and against an equal distribution of the public lands, and fully committed to sustain the Union and the compromise parties of the country. They succeed—their object is accomplished—General Pierce is elected, and a few months after we see another convention assembled at Memphis, far larger than the first, composed chiefly of prominent, influential, and talented men of the same party, the object of which is to devise and recommend for the adoption of the government, such measures as are best calculated to advance the great interests of the entire country; no longer having political ends in view, they recognise all those principles they had just before repudiated and denounced, and they call upon the executive of their own selection, to administer the government upon those very principles which have heretofore divided the two great parties of the country, and for which the Whigs have struggled, with alternate success and defeat for the last twenty years; and yet we are told that our principles are obsolete, and antediluvian. Yes sir, that convention asked for *protection* from the government, to steam communication between the southern and European ports; they recommended a system of internal improvements that will connect the Atlantic and the Pacific coasts; and they called for a distribution of the public lands, among the states bordering on the western waters, for improving the navigation of those mighty streams; and added to this, we see their *Union-loving* and *compromise-abiding* President turning a deaf ear to the claims of the *Union-loving* and *compromise-abiding* men of the country, while he showers his favors, bestows his rewards, and fills

the offices of the country, north and south, on those alone who had been most violent in their hostility and opposition to the compromise measures — the agitators of the slavery question in one section, and the secessionists and disunionists in the other. Here we have Democratic profession on the one hand, and Democratic practice on the other ; and now I ask you gentlemen, and I would ask the country to survey the position they occupy, and tell me what claims have the so-called Democracy to the confidence and support of our people ? and I ask you farther, if this is a time for any Whig to contemplate with composure a disbandment of our organization ?

If I have succeeded in establishing the position, that they have no claims upon the confidence of the country, I propose now to show that they have usurped a name, to which they have still less claim than to your support or esteem ; a favorite argument with our opponents, more especially when they address themselves to that portion of the foreign population who do not understand the features that distinguish the two parties, is, that we, the Whigs, are federalists, and monarchists, who are not friendly to the institutions of the country, and are incapable of administering the government. Now I take it, that one of the first principles of democracy, consists in a recognition of the *right* and the *capacity* of the people for self-government ; let us see then, how far they recognise these two great fundamental truths ; and this we must do by analyzing the argument above mentioned, by which they have acquired such a preponderance of the foreign vote.

I think it will approximate the reality, if we suppose there are five hundred thousand foreign voters in the United States ; and it will be by no means an extravagant calculation, to put four hundred thousand of them as voting with the Democratic party, and one hundred thousand with us ; now then, strike four hundred thousand from their poll, and one hundred thousand from ours, and what an immense majority of the native born population of the country is found on the side of those, who are not (according to their statements) friendly to free institutions, and are incapable of self-government ! and in what a lamentable, humiliating, and pitiable a condition does it present us before the world ! — that if left to ourselves, we would destroy our own, blessed, glorious, free institutions ; that we would be incapable of managing our own affairs ; and that it is therefore necessary to call in the foreign population, that flows to us from every quarter of the world, who never enjoyed freedom at home, who

are of necessity in a large degree unfamiliar with our constitution, *many with our language*, and all with our laws and institutions, in order to perpetuate our form of government, to protect our liberties, and hand down the rich inheritance of freedom to our children ; and this is the starting point of their democracy.

I have had no difficulty, Mr. Chairman, in solving a question which has puzzled the brains of thousands, to-wit: the universal and anxious inquiry, Why is it, that the foreigners all vote against us ? Sir, it is the charm conveyed to their senses by the sound of *Democracy*; they give to the term its true signification ; they know of no other democracy than that which is to be found in antagonism to aristocracy, or to despotism and the power of the sovereign ; there is no other democracy than *that* which is to be found in the power of the people ; and they naturally believe when they come among us, that democracy on this side of the water, means what they understood by democracy at home. Nothing is more natural than that they should identify themselves with those, whom they suppose are struggling to maintain the rights, and the power of the people of which they themselves compose a part ; it is not because they are opposed to us, or our principles, but because they do not understand the nature of the questions that divide us ; and when they have been here long enough to ascertain the truth, like other men, pride of opinion, pride of consistency, and old habits and associations bind them down to the party with which they have been accustomed to act.

But let us suppose that upon the arrival of some intelligent, well-meaning, and reflecting foreigner upon our shores, he were to inquire of some honest Whig, what were the issues that divided the Whig and Democratic parties, and he were answered : We are alike devoted to the Union and the constitution ; we alike rejoice in the blessings of free government ; we are alike anxious to perpetuate our institutions ; we alike recognize the power and the sovereignty of the people ; but we differ in our views as to the best mode of administering the government, so as to advance the general prosperity and welfare of the whole ; as, for example, *we* think it wise and proper that such a system of legislation should be adopted, as will supply you and your countrymen, your wives and children, as well as our own people with the means of making an honest livelihood, by their labor ; *we* ask for a system, by which your industry will be protected, by which employment will be furnished ; by which our twenty-five millions of people shall be induced to give a preference to the labor of



the United States, so far as they can supply what is consumed, to the labor of Europe, from which you have just come, to make your living, and improve your condition ; while our opponents, the Democrats, advocate a system, by which our people are encouraged to trade abroad ; to import from Europe, what by your labor you could supply at home ; to send our millions to the workshops of foreign countries, which shuts up the doors of our own shops, turns thousands and tens of thousands out of employment, who are forced to make a living by the most disreputable means, in lieu of the honest industry they have sought in vain to employ.

This is one of the great questions which divides us. He would ask : Is that what is meant by Democracy ? Not entirely ! there is another point on which we differ. *We* think that with a country extending from the Atlantic to the Pacific, and from the St. Lawrence to the Gulf of Mexico, with agricultural productions, and manufacturing interests that might supply the world, we stand in more need than any other people of such a system of internal improvements, as will afford facilities for communication from one section of the country to the other, and of supplying the demands of commerce, by removing obstructions to the navigation of our great water courses, that bear on their bosoms, a large portion of the commerce of the world. *We* think if the navigation of the Mississippi, four thousand miles in extent, should be obstructed by a sand-bar, that it should be removed, rather than lose the benefit of that wonderful natural channel of commerce ; *we* believe that our lakes and harbors should be rendered safe from the perils of the tempest ; *we* believe that the wisdom of our forefathers conferred on the general government the power to do these things ; *we* believe that the same authority which grants to Congress the power to appropriate money for the erection of lighthouses, to warn the storm-tossed mariner, of the treacherous sand-bank, also gives to Congress, the power to remove the sand-bank itself ; *we* believe, furthermore, that as the general government has assumed control over our navigable streams, by exacting tonnage duties, as well as duties on all imports, passing over these great national highways, that it is in duty bound to improve these water courses and keep them in good repair, or cease to charge tolls upon them ; in short, *we* believe, that the government belongs to the people, and ought to be administered rather more for their benefit than for the officious office holders who live upon the public crib, and that such a policy should be adopted, as will best promote the great

industrial interests of the nation, no matter in what branch of enterprise it may be engaged, whether agricultural, manufacturing, commercial or mechanical. Not so with our opponents; *they* believe that government was not instituted for any such purposes; that the government has no concern with the interests of the people; that the government should take care of *itself*, and let the people take care of *themselves*; that it has no authority to protect the industry and labor of its own people; no authority to improve the navigation of our water courses; no authority to furnish these facilities to commerce; no authority to protect the property of our people, or render secure the lives of our seamen, and travelers on these public highways, by the removal of whatever might endanger the one or the other; but that the general government should receive the tolls, while the States should repair the roads, or leave the snags, logs, sand-bars, and beaches just as you find them; and they profess to believe that it is very Anti-Democratic, that the people should be indulged in any such security either to life or to property, as to take them out of the way. This, then, is another of the tests of what they call Democracy on this side of the water; but there is still another.

We have a great land fund belonging to the general government, most of which formerly belonged to the several States originally composing the Union, which they transferred to the general government, for the common benefit of all; the balance has been since acquired by conquest, or by purchase, for which all the States paid in fair proportion. This fund has for some years past been used by demagogues in Congress, for the purpose of making political capital for themselves, by voting it away in large quantities to the new States, while all interest was withheld from the old. *We* have asked for an equal distribution among all the States, if it is to be appropriated to any; that we should all share, and share alike. This the Democratic party opposes, while year after year, millions of acres are voted away to such of the new States, as certain of their leaders imagine can be brought to their support for a Presidential nomination.

These are the questions that divide us, and all who advocate the one system, are called *Democrats*, and those who advocate the other are called *Whigs*.

Now, Mr. Chairman, if he were an intelligent man to whom this true definition of Whiggery and Democracy was explained, do you

not think he would be staggered to tell why *they* and not *we* should be called the Democratic party? Would he not be puzzled to find one single principle of democracy in their whole creed? And yet every man of candor and intelligence I think must admit, that these are the questions, and only questions, since the settlement of the bank-question, which have divided the two parties; and if they were fairly understood, I cannot persuade myself, that the Democratic party could command one tithe of the vote it now boasts, either from the foreign born, or native population of the country.

The Democracy claim to be the progressive party, too! and seek to disseminate the impression that we are the "*stand-still party*," or, as some call it, the "*do-nothing party*." Surely the internal improvement party is not the stand-still party; the party that is for building up manufactures of every sort, of encouraging the mechanic arts, of giving employment to all, and taking care of all, is not the stand-still party; it is they who oppose this system—they who *will not progress*—they are the party to whom that cognomen should be applied.

But there are two kinds of progress through life—the one rational, the other destructive! When I read an account of some dashing, high-spirited young fellow, whose horse has run away with him, and dashed his vehicle to pieces and nearly broken his neck, I cannot but regard it as *progress*; but it is something of *Democratic progress*, rather of the destructive order. How much better it would have been, to have kept the reins in hand and the horse in subjection. Sometimes we read of a steamboat that is in such haste to make rapid progress through the water, that she gets up too much steam, and away goes boat, cargo, crew, and passengers in the air. This is certainly making rapid progress, but not of the rational kind—it smacks of Democratic progress; it is a species of Democratic progressive, go-ahead cleverness. It was the same spirit of headlong, Democratic progress that precipitated the New Haven cars into Norwalk river, with such terrible and calamitous results. So it will be, I fear, with Democratic progress, in affairs of government, when we undertake the only progress they propose, which is to neglect our own affairs, disregard our own interests, and go roaming over the world, *in imitation of ancient Rome*, plundering our neighbors of their lawful property, and *in imitation of Don Quixote*, righting the wrongs of all mankind. I would rather have a rational, conservative driver, who would control his horse; a rational, conservative

firemen, who would not put on too much steam ; and a rational, conservative engineer, who would control his locomotive, and travel with rather less speed, and more safety ; so, in like manner I would prefer a sound, safe, rational conservative Whig, at the helm of government, who would attend to our business at home, progressing rapidly, but steadily and safely—extending our commerce, increasing our agriculture, enlarging our manufactures, and securing peace, plenty, independence and happiness to all our people ; and if we do not have such an engineer to guide our great national locomotive, who can tell what catastrophe may not sooner or later overtake and overwhelm us ?

Sir, there is an old Latin maxim that is full of meaning and good sense—"Confirmat usum, qui tollit abusum ;" he confirms the use, who destroys the abuse. We strengthen and aid progress by restraining its abuse ; and upon this principle, I hope to see the conservative Whig party always act. Let individual citizens, in the exercise of their personal rights, (taking care not to infringe the laws of their country,) do as they like, on their own responsibility ; but let the government take care at all times, and under all circumstances, to watch with the most jealous vigilance the faith and integrity of the nation ; let them guard it, as they would "*the apple of their eye.*"

Mr. Chairman, I am often asked why am I a Whig ? My answer is, because I am a Democrat ; because I believe there is more sound Democracy in the Whig ranks, than in the ranks of the other party, and because I go for the *principle*, and not the *name* or the *sound* of Democracy ; how could I be anything else but a Democrat ? Losing both father and mother when I was but a child nine years old, (by the burning of the theatre in Richmond,) I was soon after sent off to a boarding school, and from that day to this, have been mixed up with the people, sympathizing in all their wrongs, contending throughout my manhood, for all their rights, and struggling for their political equality, despising at all times every thing that savored of aristocracy and pride, whether of birth or fortune, ready to resist oppression whenever and wherever I met it ; brought up in the midst of the people and *one* of themselves, how could I be, in my nature, habits, associations and sympathies, anything but a Democrat ? And yet, suppose I should desire from any cause, to associate myself with the Democratic party, what are the tests by which I would be tried ? To what doctrines or principles would I have to subscribe,

to gain an admittance into their ranks and fellowship with them? They surely could not reject me on the ground that I was in favor of the principle of protection, for that would have excluded Mr. Jefferson and General Jackson from the Democratic party, as it would now exclude many thousands of their present friends, including Mr. Buchanan, who, with Silas Wright, voted for the tariff of 1842, and without whose votes, it could never have become a law; it could not be, on the ground that I was in favor of internal improvements, for, that would exclude Gen. Cass and many of the prominent Northern and Western men of the Democracy; and it was but the other day, that here in this very hall, two members of Mr. Pierce's Democratic Cabinet, made speeches in favor of the Pacific Railroad as a government measure. What then would be the test? Why *this*, and this *only*: If I could consent to vote for the democratic nominee, and thus secure to them the spoils of office, I should be considered as good a Democrat as the best of them.

Mr. Chairman, I have said I was a Democrat, *not a Locofoco*; I am led by no *false lights*, but a *Democrat* in the true sense and signification of the word. I desire to furnish additional proof of it; not for any personal advantage that I expect or desire to derive from it, but because I am generally regarded as the most stubborn and inveterate, and ultra of the Whig party, and if (being such) I can relieve myself of the charge of federalism, it should go far to relieve the party of which I am an humble member, of a similar imputation.

It has not been long since I was a member of a convention in Virginia, for making a constitution for the State; and according to my views, *there* was the place, and *that* the occasion to test the soundness of Democracy; *that* was the place and *then* the time to establish the rights, and the power of the people. I knew of no other Democracy than that which was opposed to an aristocracy or a despotism. In that convention I strenuously resisted a proposition to take *power from* the people, and confer it upon *property*. I went for *protection to property* and *representation to men*, and I went against the wishes of the whole of Eastern Virginia, which was the section in which I lived, and a part of which I represented. I warmly advocated universal suffrage without property qualification; I voted for, and advocated the right of the people to elect their own officers of every description, judges, sheriffs, clerks, constables, and all; I went for taking all power out of the hands of the few, and conferring

it on the many ; I went for taking it out of the hands of the politicians and conferring it on the people ; and it was on my motion, that one half of the entire capitation tax of the State, was forever appropriated to the cause of education, through the operation of free schools ; and in my ignorance and simplicity, I thought I was going for Democracy in its genuine purity, but I was mistaken. If Virginia Democracy was sound, then these principles were federal ; my course met with the condemnation of the Democracy. I sacrificed my election to Congress to sustain these pillars and corner stones of true Democratic faith. (I may be pardoned for introducing here a few short extracts from a speech made in the convention on the basis of representation, which was not at hand when I made this speech.) I said :

“ This is a government of persons, and not of property ; and before I would vote for the principle that property should have more power in this government than men, I would vote for a monarchy. I do not know, if I were a large property holder, a John Jacob Astor, what I might be tempted to do—perhaps I may not know myself. Every man loves power more or less, and I might fall ; but I belong to that class of persons who constitute a large majority of the citizens of this Commonwealth who have little property to protect ; and I will not give power to any man’s wealth over me and mine. But, while I will afford to the property holder all the protection he demands, I too have some few demands to make upon him for the preservation of my rights and the rights of the large class of citizens to which I belong. Wealth has already too much influence in every respect, without engrafting it as a constitutional principle.

“ Why, in what age do we live ? Are we in the middle of the nineteenth century, when the school master is abroad all over the face of the civilized globe, when men are asserting their own rights and throwing off the shackles of despotism, when thrones are tottering and tumbling into the dust, before popular freedom and popular rights ? Is it here for us, here in the Old Dominion, in this old Commonwealth of Virginia, to engraft upon our Constitution a principle that property is entitled to more weight, to more representation in our government than men ? If I stood *alone* out of the one hundred and thirty-five members upon this floor, I should stand perfectly erect among my constituents, slave-holding and property-holding constituents, and say to them, I trample such a principle in the dust.”

"The next clause in that bill of rights reads:

"That *all power* is vested in, and consequently derived from the people.'

"Not so with this enlightened age in which we now live. Free principles have taken a retrogressive movement. The principles of freedom that are extending themselves throughout the civilized globe have been checked, and here, in this consecrated spot—in this Convention of Virginia sages—in this old Commonwealth of Virginia, the principle is about to be subverted, and *power* is to be given to *property*, and not to *persons*. And this bill of rights goes on to declare "that when any government shall be found inadequate to carry out those purposes, a majority"—of what? of property? No!—"a majority of the *community*." Does the word community mean property? "A majority of the community has the indefeasible, inalienable, indubitable right to reform, alter, or abolish in such a manner as shall be deemed most conducive to the public weal." There is the power. There is where the *power* of government is lodged by this declaration of fundamental principles. But it goes on to say "that no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community." This is what your bill of rights asserts, as to the rights of property and *power* of persons.

"Is this representation that you propose to give to wealth not a privilege? Is the representation that you propose to give the richest portion of this Commonwealth over the poorer parts of this Commonwealth no privilege to wealth? Then carry the principle out and give to the richer counties of this Commonwealth a greater political power than to the poorer counties; then carry your principle still further out, and apply it equally to the rich, as well as to the poor man, and give him power also equal to his wealth; if the principle is sound, it comes to this.

"I would here remark that I feel most proud of the opportunity and of the privilege of standing up here as one of the champions—feeble and humble as I am—of the power of the people against the power of property. I will give property its protection; I will give no more."

Upon the subject of taxation, I said:

"Well, now, sir, I want to say something upon this subject of taxation. I have proposed an *ad valorem* system of taxation, and to my mind there is but one system of equality in taxation, and that is

to make every man contribute to the support of government according to his means and his ability. Our present system operates most injuriously and oppressively upon a large portion of the commonwealth. If ten men combine together to form a common community, and if each of those ten men has \$10,000 of capital and one thinks proper to invest his according to the dictates of his judgment, in houses and lots, the second invests his in slave property, the third invests his in merchandize, the fourth invests his in manufacturing stock, the fifth in bank stock, the sixth in railroad stock, the seventh in drugs and medicines, the eighth in race-horses, and the ninth and tenth in unproductive lands, waiting for a rise, or in any other species of property you think proper to imagine, my opinion is that the only fair and equitable system that can be adopted is to make these ten men pay equal sums upon their respective capital to the support of the government. I know no reason why one should pay all and the other none. I know no reason why I should be compelled to pay a tax upon the watch in my pocket that may be worth sixty or seventy-five, or one hundred and fifty dollars, and another gentleman who has chosen to lay out his \$500 or \$1000 on a diamond breast pin or ring should be exempted from taxation. I know no reason why the poor man, who has for convenience or the convenience of his family, a common clock upon his mantelpiece, that cost him from three to five or ten dollars, should be required to pay a tax upon it, whilst the ornament upon his wealthy neighbor's mantelpiece, that cost thousands, pays no tax at all. Sir, I despise demagogueism. I am no demagogue. I am no flatterer of the people, but my sympathies are with the masses of the people. I am one of the masses. It is implanted in me by my creator as a part of my nature. I know no reason why the poor man in the country who has a horse which is necessary for the sustenance and support of his family, should be required to pay a tax upon that horse, whilst his wealthy neighbor in the city who has a cow, perhaps worth ten times as much as the horse, should pay no tax. I am for an equal system of taxation upon the rich and the poor alike. Let those who have the most means contribute the most money for the support of the government. And from what class comes the chief objection to this system of *ad valorem* taxation? You will find it to be from the large property-holders, and why? Is it because they wish to hold property without paying the necessary tax upon it. Or is it, because they desire to throw the burthen of



taxation on those classes that can't as well afford to pay it? In either case I am for enforcing it."

At another point, I said:

"If there is any great object above all others that I desire to see established by this Convention now about to adopt a constitution for the State, it is so see *political equality*, as nearly as may be, established in this land. Talk about equality among men! There is but one species of equality that man can control. Man has no control over the nature of his fellow-man. He is made by his Creator, and until you can change the decrees of the Most High, making the pigmy equal to the giant, until you can make the idiot equal to the sage, until you can make the man of feeble, delicate constitution, equal to the strong, hearty and robust man, until you can make the pauper equal to the millionaire in his influence, you can establish no general equality among men. But you can establish *political equality*. That is your business and your duty, and that you are particularly bound to do, because the people in their majesty demand it, and will have it. And they are right never to rest satisfied for one moment until they have obtained it. And I will give it to them while I have the power to do it."

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Here then, Mr. Chairman, is the *foundation*, this is the *substratum* of my democracy, and he who does not subscribe to it is, in my judgment, hostile to the principles of true democracy, or does not understand their import and value.

Well sir, shortly after the expression of these sentiments, I went before the people as a candidate for Congress in competition with a gentlemen who took the opposite grounds, and was warm in his advocacy of a mixed basis, which gave more power to property than to persons; by which seven thousand dollars in taxes was to balance the voice of twelve thousand persons. My vote on this question which alone defeated this odious proposition was made a prominent feature in the contest; and, although my competitor was a secessionist, which met with little or no favor in the district, yet the whole entire strength of the Democratic party was cast against me; my principles thus laid down, did not tally with their views of Democracy, because I was not for securing to *them* the power and the spoils, by voting for the Democratic nominee of the Baltimore convention. Am I not then justified in saying, I have found public life not only a laborious and unprofitable, but most thankless occupation, and that many of those for whose inter-

est and welfare I have devoted the energies of both body and mind for twenty years and upwards, were prompt to surrender their own great inestimable natural rights, for which I have always struggled, to the dictation of party, and to the vulgar prejudice of hollow, deceptive, and unmeaning party names ?

I have thus, Mr. Chairman, endeavored to contrast our principles with those of our opponents, and our claims to confidence with theirs. I have endeavored to demonstrate that Democracy in this country, means anything but Democracy in the old country, and that here it is a party, indebted solely to *its name* for its strength, and I believe religiously, that if we had their name with our principles, or they had our principles with their name, there could be but one party in the country ; you could not get up an opposition to it.

Look at the course pursued by the President of their choice. You will recollect what I said here in Newark last fall about Free-Soilism and his New Boston speech—you all know that his election was demanded as a triumph of the Union party of the country, against all factions and disorganizing agitators ; and here, after his election, the triumph was claimed for those who had stood by the Union, and the compromise against the hostility of the secessionists and the Free Soilers, and yet Mr. Pierce has done more in the brief space that he has been in office, to give influence and importance to the secessionists and disunionists of the South, than five hundred Nashville Conventions could have done, and he has done more to revive the fallen fortunes of the Free-Soil party in the North, than five thousand such men as Mr. Seward could do in a life time ; by depositing all the influence and emoluments of office in their hands, and making their views the only passports to favor ; and there is but one remedy left, and that is the action of the U. S. Senate next winter. If they confirm all these appointments of seceders on the one hand, and the Buffalo platform party on the other, then indeed, we may tremble for the consequence ; we can only hope that they will draw certain lines, and by the co-operation of the Whigs and conservative Democrats, the evil may be averted by rejecting all those who come within those lines.

Mr. Pierce in his letter to Major Lally, written on the eve of the meeting of the National Convention, used this remarkable language. I say *remarkable*, as connected with his subsequent course of conduct ; he says—I quote from memory but believe I give his identical words :—

“If we, of the North, who have stood up for the constitutional rights of the South, are to be sacrificed to any time serving policy, then the hopes of the Union and the Democracy must sink together.” We must leave it to those of the North who have stood up for the constitutional rights of the South, to say whether they have been sacrificed by the author of this declaration to a time serving policy or not. I think, sir, in despite of his prediction, we shall be able to arrest him in his work of sinking the Union, but he is sure to sink the Democracy, and the sooner he does it the better, though I must do him the justice to say that few could have accomplished so much towards it in the same time.

There is one subject upon which I wish to make an observation or two, and I will conclude what I fear has been too much extended.

Very much to my surprise, I saw it mentioned a few days ago in a Whig press of the city of New York, that “all the old issues upon which such fierce battles have hitherto been waged, are in the deep ocean buried,” and “that the Sub-Treasury has been so modified, as to be equally acceptable to both parties.” This was a most astounding piece of information to be derived from a Whig paper. I wish the editor had gone on to inform us, when, where, and how it had been so modified. I was not aware that it had been touched, and I do know that it has not been in legal and practical operation since its enactment. We all know that Mr. Guthrie attempted shortly after his acceptance to office, to carry it into effect, according to the provisions it contained, and he found it utterly impracticable and absurd to attempt it, and he abandoned it, and fell back in the old beaten path by which its main features are constantly violated.

The law provides that all officers and other persons charged with the safe keeping, transfer and disbursement of the public moneys, who shall use by way of investment in any kind of property or merchandize, or shall loan with or without interest, **OR SHALL DEPOSIT IN ANY BANK, or SHALL EXCHANGE FOR OTHER FUNDS,** any portion of the public moneys entrusted to him, &c., &c., it shall be deemed and adjudged to be an embezzlement, which is thereby declared a felony; and any officer or agent of the United States, and all persons advising or participating in such act, being convicted thereof before any Court of the United States, of competent jurisdiction, shall be sentenced to imprisonment for a term of not less than six months,

nor more than ten years, and to a fine equal to the amount embezzled."

This is one of the provisions of the Sub-Treasury law. Well it so happened that when I was in Congress, in 1848, I had two small claims to collect from the Treasury department for one of my constituents, and on presenting the claims to the Register, I received in payment two checks on the bank of the Metropolis, numbering 1212 and 1213, showing how often similar checks had been given before during the two years and-a-half that the Sub-Treasury had been in operation. Here is an exact transcript of one of the checks, a copy of which I preserved. It reads thus:

No. 1212.

TREASURY DEPARTMENT, }  
REGISTER'S OFFICE, April 15th, 1848. }

CASHIER OF THE BANK OF THE METROPOLIS.

Pay out of the funds placed in your hands, for the payment of unclaimed dividends on the stock of the United States, to Hon. John M. Botts, Attorney, or order, seventeen dollars 54-100, being the amount due John and Thomas Gilbert, and returned unclaimed from the late loan office of Virginia, and for which I have taken a receipt. Lib. 1. fol. 67.

\$17 54-100.

Signed.

DANIEL GRAHAM, Register.

As you may imagine, Mr. Chairman, I was not a little surprised at receiving these checks, containing on their face such evident violation of the Sub-Treasury act, which subjected all who advised or participated in the act, to fine and imprisonment, and on my way to the capitol, I met with the Post Master General, (Mr. Johnson,) and the Secretary of the Navy, (Mr. Mason.) I showed them the two checks, and remarked to them in a jocular way, I want you (they were on their way to a meeting of the Cabinet,) to deliver a message to the Secretary of the Treasury for me; tell him I have these checks, by which it appears this law has been thus violated in his department and under his eye, one thousand two hundred and thirteen times, and that while I am a political opponent, I am a liberal one, and that I will give him his choice of either one of three modes of atonement for this offence against the laws of the country.

He may either be impeached for a misdemeanor, and broke of

his office ; or he may be indicted before a grand jury of the District, and be sent to the penitentiary for six hundred years ; or he may send in another communication to Congress, confessing that his Sub-Treasury scheme is an arrant, impracticable, impudent humbug, and I don't care which of the three he takes.

After a few days reflection, I concluded that it was my duty to bring this matter to the consideration of Congress, and I accordingly addressed a communication to Mr. Walker, calling his attention to the provisions of the law, and of this violation of his obligations, and stated that a sense of public duty, no less than justice to him, induced me to seek such explanation, as it might be in his power to furnish. In answer to that letter I received a long communication from the department, occupying four closely written pages of foolscap paper, which is worthy of preservation in any gentleman's literary cabinet ; which for its logic was rich, racy and unique. Well, what explanation do you think he gave ? Why he set out with a denial that he had any money in bank, although the check read, "*Pay out of the funds placed in your hands,*" and he furnished various accompanying letters to show that he had no money in the bank, and I don't care whether he had or not, if he had not, he *exchanged funds* with the bank, which equally violated the law. He then undertook to show that it was no transaction between the department and the bank, for the cashier of the bank had an *unquestionable right* to buy these checks of me, thus making it a transaction between the bank and myself. Then he takes the ground that while he had no knowledge until since the date of these checks, that the Register had been in the habit of making his payments in that way, and while he has no power to prevent the purchase of these dividends, (or checks,) by the banks, yet he has directed the Register not to do so any more, *because it looks like a violation of the law.* The Secretary then endeavors to get himself out of the scrape by sending Mr. Polk instead of himself to the Penitentiary, as he says, the Register is not appointed by, nor responsible to him, (although he has just directed him not to do so again,) and lastly, he winds up with saying that it could not under any circumstances be a violation of the law, inasmuch as the charter of the bank of the Metropolis had expired in 1844; that it had never been re-chartered, and therefore it was no bank at all. [Great laughter.] When I go home I will send a copy of this correspondence to my friend Congar, who shall

have the credit of being the first to lay it before the public ; (it is now attached as an appendix.) You will naturally enquire what I did on receiving this letter from the department, and I'll tell you. I immediately offered a resolution to Congress, asking the appointment of a committee to enquire into all abuses and violations of the Sub-Treasury act, with power to send for persons and papers; the resolution was adopted, the committee was appointed, and I called on the Chairman, (Mr. Root, of Ohio,) over and again, to call his committee together and summon me as a witness ; at the same time I received letters from gentlemen in New Orleans, Cincinnati, New York and elsewhere, authorizing me to have them summoned before the committee, to testify to the abuses and violations coming within their knowledge. But, Sir, everybody in Congress was then engaged in President making, and few could find time for any thing else, and the committee never did meet. And it was not long afterwards that the Whig Convention met in Philadelphia, and nominated Gen. Taylor, which I looked upon as such a death blow to the party, as that I took little interest in what was going on for the balance of the session, and did little more than my duty as Chairman of the Military committee, rendered indispensable and imperative, and there it ended.

But this is the scheme, this is the sub-treasury, that this Whig press of New York now says is equally acceptable to both parties ; and this is the defence that is offered for the violation of its provisions, which have continued in a thousand times more aggravated form from that day to this, and every day in the year, and which scheme never can be put into practical lawful operation.

Candor, Mr. Chairman, compels me to say that I do not think it very creditable to a Whig President, and a Whig Secretary of the Treasury, who were in office for nearly three years with a full knowledge of its imperfections and constant violations, never to have called the attention of Congress to its enormities, and at least have recommended such amendments as would have made it a legal agent, that could *legally* carry on the fiscal affairs of the government ; and that it was not, is not, and never will be legally executed in its present shape, and that the necessary modifications are such as will destroy its chief claims to the Democratic support, which was to discontinue all connection with banks, bank paper, drafts, or paper evidences of debt, and bring us down strictly to a hard money, gold

and silver currency. One of two things should be done : it should be executed according to law, or it should be abolished altogether. As it is, it is a humbug that is disreputable to the government, and it is not creditable to any to be satisfied with it.

But one thing remains, Mr. Chairman, now to be done, and that is for the Whig party to determine what course they ought to pursue. I do not know that my opinions are of any value, but according to my judgment, they should hold on to their present organization with the tenacity of death ; that they should surrender nothing of their principles ; hold on to such ground as they can occupy without producing excitement at the polls ; let the other party quarrel as they choose over the spoils, and assume the responsibility for whatever is to be done — no responsibility can rest on us, and I should be sorry to see the party take the responsibility of originating any measure, but let us raise our flag aloft (that the discontented of the other side may know where to find a resting place,) and keep it floating until 1856, when the fruit will have ripened, and we shall have little else to do if we are wise and prudent, than hold out our hats and catch it as it falls.

Mr. President and gentlemen, I have said all I have to say, and I am extremely grateful for the patient and anxious attention with which you have honored me.

3. The Union and the Constitution—The foundation of our prosperity and the bulwark of our liberties.

Letters were read by the President, from Dr. Ayerigg, Jos. F. Randolph, and Wm. Halsted, expressing regret that they could not take part in this mark of respect to one of the country's worthiest sons.

4. The Protection of Domestic Industry and a System of Internal Improvements—Cardinal principles of the Whig party.

This was replied to by Mr. Wm. E. Layton in a very effective manner.

5. The Memory of Henry Clay—Other standard bearers may lead us to victory, but he was our first love, and will never be forgotten.

Drank standing in silence—Responded to by Chief Justice Hornblower, and upon the conclusion of his remarks he asked leave to retire, which was granted.

6. Virginia and New Jersey—Together in the Revolution, they will yet stand together in the support of the American system.

This toast was handsomely responded to by I. M. Tucker.

7. The Whig Party—Successful in '40 and '48—defeated in '44 and '52—it's our turn in '56.

Wm. E. Robinson, Esq., being called upon, replied to this toast in a very effective manner.

8. The Progress and Reform of the Sham Democracy—One step forward and two steps backward.

9. Newark—a Whig city, full of sterling friends of the old cause, may she never in an unguarded hour surrender to the enemy.

Dr. Congar responded to this toast.

10. The Broad Seal of New Jersey—Always vindicated by the people of our State, let our efforts be directed to placing it in Whig hands.

Absolam B. Woodruff, Esq., of Passaic, was here loudly called for and replied in a very effective speech which was most happily received.

11. The City of Richmond—Always Whig, yet when our guest is running for Congress, we regret that there are not two Richmonds in the field.

This was responded to by Dr. Fox, of Richmond, who alluded eloquently and warmly, to the guest of the evening, and boasted of his popularity in the old city of Richmond. The remarks were in excellent taste, and were received with great interest.

12. The new Administration seems about to faint—May the Adamantines find a capital hard place for it to fall on.

13. As Statesmen we prefer men who never knew where Mason and Dixon's line was, and moreover never wish to know.

This was handsomely replied to by L. S. Goble, Esq. After a song from Jerry Paul, the party broke up about one o'clock, highly pleased with the entertainment, and with the gathering.



## APPENDIX.

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HOUSE OF REPRESENTATIVES, APRIL 29th, 1848.

HON. ROBERT J. WALKER, *Secretary of the Treasury*—

SIR: On the 15th of this month, I had occasion to collect, for one of my constituents, two small claims for unpaid dividends on the stock of the United States, from the Treasury Department, for which I received in payment, two checks on the cashier of the Bank of the Metropolis.

By the 16th section of the law, commonly known as the Sub-treasury Act, it is made a felony for any officer of government to deposit the public money in any bank, for which offence severe penalties are attached.

For all that I can see, this law must have been grossly violated in the instance referred to, and a sense of public duty, no less than justice to you, induces me to seek such explanation as it may be in your power to furnish. I hope to receive an early reply.

I am with great respect, your obedient servant,

JNO. M. BOTTS.

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TREASURY DEPARTMENT, MAY 4th, 1848.

HON. JOHN M. BOTTS:

SIR: Your letter of the 29th ultimo has been received, and the necessary measures were at once taken to answer your inquiries. You refer to two checks, each under date of the 15th of April last, one for seventeen dollars fifty-four cents, and the other for eighteen dollars and sixty-nine cents, in your favor as attorney, both signed and issued by the Register of the Treasury, with a view to the payment of unclaimed dividends on the stock of the United States. Annexed you will find a letter from this department, marked No. 1, requesting from the Register of the Treasury an explanation of this transaction, No. 2, the reply of Mr. Graham, the Register, and No. 3, an explanatory statement from Richard Smith, cashier of the Bank of the Metropolis. From these communications you will perceive that no public money has been deposited with the Bank of the Metropolis since the date of the act establishing the Constitutional Treasury, approved August 6th, 1846. You will observe that the date of the last deposit with that bank to pay these dividends, was the 26th of October, 1844; that these deposits were all absorbed by the 10th of January, 1845, and that any subsequent payments were made by the bank or by Mr. Smith, to the persons entitled to these unclaimed dividends, without any deposits in the bank by the government to meet the checks. The bank in this manner, or Mr. Smith, became the holder and

assignee of these unclaimed dividends, and were subsequently paid out of the Treasury by warrants, in strict conformity with the law. No deposit being made with the bank since the passage of the act establishing the constitutional Treasury, and no deposit remaining there to pay these dividends, the 16th section, then, of the law to which you refer, forbidding future deposits with banks, has not been violated by the Register.

Many years ago, under the provisions of the law, this fund for the payment of unclaimed dividends was placed under the direction of the Register of the Treasury, in whose keeping are all the books and papers appertaining to the matter. Whilst the Bank of the United States was in existence as a depository of the government, these claims were paid by the Register, by checks on that institution. When the State bank system was adopted, the funds were deposited by the Register with the Bank of the Metropolis, to make these payments. It seems that the last deposit was made on the 26th of October, 1844, with the bank, and it has had no funds for that purpose from the government since the 10th of January, 1845. These unclaimed dividends arise chiefly out of the old funded revolutionary and war debt, and are payable in very small sums, as minute as one, two, and three cents up to a few dollars, and are payable chiefly to the heirs, executors or administrators of deceased persons. The Register finding it very inconvenient to pay these minute sums in separate warrants, adopted the plan before described. After the passage of the act establishing the constitutional Treasury, these checks were given by the Register, which, under the circumstances, are nothing more than a request upon the drawee to advance these small sums, temporarily to become in this manner the assignees and agents for their collection, and to look to the Treasury whenever they may desire, for the payment of the dividends. The dividends in fact are not paid by the Treasury, either to the bank, or to any other person whatever, except by a warrant passed through the Treasury in conformity to law, when the amount is liquidated for the first time out of the Treasury by draft upon the Treasurer of the United States. In this way, a considerable aggregate amount was paid by the Treasury at one time to the agents or assignees, instead of the separate warrants for a few cents or a few dollars to the persons in whose names the unclaimed dividends stood on the books of the Treasury. The right of the bank to purchase these dividends and obtain payment for the aggregate sum from the Treasury, is unquestionable, and if this right is vested in the bank, the request to make the purchase and receive the aggregate payment from the Treasury, violates no provision of the law. No money is deposited by the Treasury with the bank, but when it becomes the lawful holder of these dividends, it is paid from the Treasury by the usual treasury warrants in conformity with the law.

It is due to truth, however, to state that this mode of payment by the Register, since the Constitutional Treasury law went into force, was never brought to the notice of this department until since the 15th of April, 1848, and although the department possesses no power to prevent the purchase of these dividends by the bank, or to restrain the payment to it as an agent or assignee, yet it has requested the Register to issue no more checks of the char-

acter referred to in your communication, not because they are violative of the law, but for the reason that they present an appearance of the deposits by the Treasury of public monies with the bank, when in fact there is no such deposit, and therefore requiring explanation.

The Register of the Treasury is not appointed by nor responsible to the Secretary of the Treasury, and if any error were committed by him, the censure should not fall on this department, unless it had neglected to perform the duties or give the instructions required from it by the law. If the proper instructions were given by the Secretary of the Treasury, and they were disregarded by the Register or any other officer, without the knowledge or consent of the Secretary, surely he would not be responsible either in morals or in law.

The act establishing the constitutional Treasury was approved on the 6th of August, 1846, but did not go into effect as regards the payment of monies under the provisions of the law until the 1st of January, and in fact for some months afterwards. Annexed are printed circulars issued by this department under date of the 25th and 26th of August, 1846, and the 15th of September, 1846, marked A, B, and C, which relate more especially to the matter in controversy. The circulars of the 25th and 26th, were not only sent in printed letters to the several officers entitled to receive them, but, with a view to making them more fully known, were published at their respective dates in the *Union* and *National Intelligencer* of this city. You will perceive, especially in the circular of the 26th of August, 1846, addressed to "collecting, receiving and disbursing officers of the United States," that the 16th section of this act, as well as the 6th, 9th, and 15th are printed in the circular, and that "the attention of all public officers enumerated in the above section is hereby called to the provision therein contained." If therefore, this 16th section, as you have supposed had been violated by the Register as a disbursing officer of the government, the act would have been committed, not only without the consent of this department, but directly in contravention of its printed circular and newspaper notice. It is believed, however, that you will be satisfied that no violation of the law was in fact committed by the Register, however much the check, to which you very properly call my attention, might have been well calculated to produce a contrary impression upon your mind.

I have not placed this transaction upon the ground of any technicality, but (as incidentally referred to by the Register,) the bank of the Metropolis ceased to exist as a *Bank* on the 4th of July, 1844; its charter then expired, and was not renewed, and it has now no more authority, power or existence as a bank, than if it had never received a charter, and its business is conducted, as avowed by itself and its counsel, as a private partnership, in the name of agents called trustees, and it has no other legal existence or rights than any other private partnership in this District, and is subject to the same responsibilities. Although this is the law, and this partnership is not a bank within the provisions of the 16th section of the act to which you refer, yet I should regard it as contrary to the policy of the constitutional Treasury to make it a depository of public monies. This department hopes you will perceive that the law has not been

violated by the Register, much less by this department, and that you will see in the circulars issued by it, that it has been its sincere desire to perform its whole duty fully and fairly in relation to this law. The Secretary of the Treasury, whose health does not permit him at this time to assume the full discharge of his duties, expresses his concurrence in this letter and desires me to tender his acknowledgments for the opportunity afforded to communicate this explanation.

With great respect, your obedient servant,

M. C. YOUNG, Acting Secretary of the Treasury.







